

In the Court of Appeals of the State of Alaska

Keith Roberts,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13287**

Order

Appellate Rule 204

Date of Order: **May 27, 2020**

Trial Court Case No. **4FA-16-02448CR**

Attorney Megan Webb, representing the Appellant, Keith Alan Roberts, has filed a motion asking for the preparation of a supplemental transcript — a transcription of an audio recording that was played during the superior court proceedings. Ms. Webb also requests that the briefing schedule be stayed until the distribution of the supplemental transcripts she has requested.

Ms. Webb's motion asserts that at page 229 of the transcript already prepared for this appeal approximately nine minutes of a police interview was played during the superior court proceedings, but was not transcribed due to the poor quality of the recording provided.

This, however, is standard procedure under the Court System's rules for transcription. Given the Court System's procedures for electronically recording the proceedings in the superior and district courts, it is typically quite difficult, if not impossible, to transcribe the content of a audio recording that was played in open court. The judge and the parties normally do not make special efforts to mike the device that is playing the audio recording. Moreover, this problem is often compounded by the fact that the original recording is of low quality to begin with.

In the past, when the Transcript Department has been requested to prepare a transcript of a tape that was played in open court, working from the general recording of the court proceeding, the result has been practically useless. The resulting transcripts have contained only isolated intelligible words and phrases, separated by numerous indiscernible passages.

For these reasons, this Court is reluctant to order the Transcript Department, working from the electronic record of court proceedings, to try to transcribe audio recordings that were played at evidentiary hearings and trials.

That said, Ms. Webb acknowledges that many of Mr. Robert's answers to the detective's questions are difficult to discern, but she asserts that the detective's questions are quite clear. Ms. Webb states that what the detective said is relevant to an issue pursued on appeal. In other words, Ms. Webb will apparently be satisfied as long as the detective's questions are transcribed, even through many of Mr. Robert's answers will be indiscernible. With this understanding, the motion to transcribe approximately nine minutes of the audio recording played in the superior court starting at Transcript Page 229 is **GRANTED**.

If, however, Ms. Webb in fact wants a more complete transcription, then she will need to so inform this Court on or before June 4, 2020, and she must at that time provide a clean copy of the audio recording that was played in the superior court. If Ms. Webb cannot provide a clean copy of the audio recording she wants transcribed, this Court will reconsider this order.

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Ms. Webb's request that the briefing schedule be stayed until the distribution of the supplemental transcripts is **GRANTED**. Her opening brief will be due 30 days after the distribution of the supplemental transcripts.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read "Mindi Johnson", is written over a light gray rectangular background.

Mindi Johnson, Deputy Clerk

cc: ACRO
Distribution:

Email:
Webb, Megan R.
Wendlandt, Diane L.